

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SOUTHWESTERN BELL TELEPHONE	)	
COMPANY, BELL SOUTH	)	
TELECOMMUNICATIONS, INC.,	)	
ILLINOIS BELL TELEPHONE	)	
COMPANY, NEVADA BELL	)	
TELEPHONE COMPANY, PACIFIC	)	
BELL TELEPHONE COMPANY,	)	
WISCONSIN BELL, INC.	)	Civil Action No. 3:10-CV-01498-O
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
NEXT-G COMMUNICATION, INC.	)	
	)	
Defendant.		

**JOINT SETTLEMENT REPORT**

Plaintiffs Southwestern Bell Telephone Company, BellSouth Telecommunications, Inc., Illinois Bell Telephone Company, Nevada Bell Telephone Company, Pacific Bell Telephone Company and Wisconsin Bell, Inc. (collectively referred to herein as “Plaintiffs”) and Defendant Next-G Communication, Inc. (referred to herein as “Defendant”) provide the following Joint Settlement Report as required by the Court’s Scheduling Order (Dkt. 20).

1. On June 28, 2011 Plaintiffs and Defendant, through their counsel and party representatives, attended a mediation in a good faith attempt to resolve this matter. The following individuals were present during the mediation:

**Mediator**

- William Pryor

**On Behalf Of Plaintiffs**

- Sean Donadio  
Plaintiffs' Representative
- Marc A. DeNegri  
Attorney for Plaintiffs
- Timothy A. Whitley  
Attorney for Plaintiffs

**On Behalf Of Defendant**

- Beth Dale,  
Defendant's Representative
- Zulfiqar R. Ali,  
Defendant's Representative
- Allison D. Rule  
Attorney for Defendant

2. The party representatives had full settlement authority and the conference was conducted in good faith and complied with the requirements of Local Rule 16.3 by being completed well in advance of the pretrial conference in this case. A report on the mediation was filed with the Court on July 1, 2011 (Dkt. 50).

3. Although the parties were unable to resolve this matter during the mediation, they made some progress towards a possible settlement. The parties agreed to exchange additional information and to consult further with the mediator to the extent that, upon review of the additional information, settlement remained a possibility.

4. After reviewing the information provided after the mediation, the parties were not able to reach a settlement and consequently no further discussions with the mediator took place.

5. On August 5, 2011 Defendant filed a Motion to Dismiss or in the Alternative to Stay and on August 24, 2011 Plaintiffs filed their Motion for Partial Summary Judgment. These motions currently are pending before the Court.

6. Lead counsel for Plaintiffs, Demetrios G. Metropoulos, and lead counsel for Defendant, Allison D. Rule, again conferred about the possibility of settlement in a face-to-face meeting on October 17, 2011, but due to the pendency of the parties' dispositive motions, were not able to reach a settlement.

7. Counsel for the parties both recognized that there may be an opportunity for further meaningful settlement discussions once the Court has ruled on the pending motions.

Dated: November 18, 2011

Respectfully submitted,

NEXT-G COMMUNICATION, INC.

SOUTHWESTERN BELL TELEPHONE  
COMPANY, *et al.*

By: /s/ Allison D. Rule

By: /s/ Demetrios G. Metropoulos

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on November 18, 2011, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court through ECF, which provides service on each party who is a registered ECF user, including the counsel listed below.

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By: /s/ Demetrios G. Metropoulos